

EXHIBIT 4A

Select Truth Social Posts from @rickywshifferjr Account

Enough is enough. Be ready for war tomorrow. If you don't have ammunition, magazines, and L.C.E. (load carrying equipment, the vest to hold ammunition in combat), leave work when the gun shop/pawn shop/Army-Navy store opens tomorrow and get it. Take your weapon to work (you can leave it in your trunk if you have something with one.) I know the Trump team will remove this, but they have to worry what the communists will do to the Trump grandchildren. Kill F.B.I. on sight.	8/9/22 12:26 AM
There is no nonviolent solution. Though it gets little coverage, they even arrested a candidate for governor (Michigan.). No, you can not vote your way out. No, you can not protest your way out, if they cared what you thought, he'd be president. Remember how we got this country. As soon as the stores open tomorrow, leave work to get what you don't already have (don't cause a run on milk, I mean ammunition, magazines, etc.)	8/9/22 12:31 AM
No, it's been broken for more than a year. We can't organize, so we can't plan a rebellion. They've been conditioning us, especially this summer, to feel unable to react (except online and by voting in rigged elections). We must return violence this time, it will be unorganized, but hopefully it will somehow find useful headway. Watch my feed, but I'll probably be one of the first ones dead, so don't be surprised if my feed is infiltrated. Kill those who trample you down, like Americans.	8/9/22 12:42 AM
People, this is it. I hope a call to arms comes from someone better qualified, but if not, this is your call to arms from me. Leave work tomorrow as soon as the gun shop/Army-Navy store/pawn shop opens, get whatever you need to be ready for combat. We must not tolerate this one. They have been conditioning us to accept tyranny and think we can't do anything for 2 years. This time we must respond with force. If you know of any protests or attacks, please post here.	8/9/22 12:47 AM
Yes. We should have started last year, but we (especially I) can't organize. This'll probably get taken down, so spread the word. Pray, spend time with your family, get a good sleep. War is tomorrow. If somebody wanted to be a hero, there is no better time in history for them to live, it's time to act like Americans.	8/9/22 12:58 AM
Damn straight insurrection against the people who usurped our government. I hope to see you there (I won't be unarmed this time).	8/9/22 1:00 AM
I intend to fight against them.	8/9/22 1:00 AM
He didn't, and he'll have no power to sell me out this time. Kill me if you can. Everyone else: regardless of plans, and of those who say things under threats to their children, if you won't fight this worst enemy in history, you deserve what happens to you. Your children, unfortunately, do not.	8/9/22 1:03 AM

<p>Trump showed us we could still elect. The deep state AND the Republican Party showed that meant little. Then, in 2020, they showed we can't elect.</p> <p>What matters is THIS WEEK. Be ready for war tomorrow. Get ammunition, magazines, and a vest to hold them tomorrow if you don't have them.</p> <p>I don't remember if I said this in this thread, but they have conditioned us since March, 2020 to feel we can't do anything but take it. Remember how America does it. Shoot the bastards.</p>	8/9/22 1:07 AM
<p>I am not. Let go of the psyop "we don't get violent.". How did we get this country? Until 3 years ago, American patriots were proud of their county's history of using violence.</p> <p>If you won't protect your land and family, at the point of a weapon, from this worst ever enemy, you deserve to live under an Orwellian regime.</p>	8/9/22 1:13 AM
<p>They've known about me a long time. They fear me more than I fear them...only one of me will be dead when the raid's over.</p>	8/9/22 1:14 AM
<p>They do not want that. They want you to act the fool unarmed. They want you to shove a cop. They don't want their muscle dead.</p> <p>Let's assume you were right: spring the trap. We can open fire, and see the plan, or we can stay here in 1984 while they chemically neuter your children (they call it gender affirming hormones, or something like that)</p> <p>America never backs down from an enemy trying to take away their rights.</p>	8/9/22 1:19 AM
<p>I will. Well, I'll be dead-everyone, remember McConnell, Cheney, and Pence are the enemy. There are but 2 parties now, patriots and supporters of chemical castration of prepubescent children.</p>	8/9/22 1:25 AM
<p>Remember to have maps, paper, on disk, or saved on a drive. One website (Map Quest, I think) disabled directions during the Freedom Convoy. Be ready for war tomorrow. This isn't L.A.R.P.ing, plan for one parent to stay with the kids.</p>	8/9/22 1:28 AM
<p>Be ready for war tomorrow. Spread the word. Talk to your life bed ones. Pray.</p>	8/9/22 1:33 AM
<p>Only if you open fire. They control the vote counting and the courts. Be ready to open fire tomorrow. Take your weapon to work, have it in the trunk (first, in case of news that it started, second, because they know when you're not home, and might now who all has firearms.)</p>	8/9/22 1:35 AM
<p>It won't matter if we don't get violent. We see the courts are unfair and unconstitutional, all that is left is force.</p>	8/9/22 1:37 AM
<p>The controlled opposition weighs in.</p> <p>For 2 years they've trained you to swallow tyranny and think you can't do anything. Tomorrow, leave work as soon as the applicable store opens, and get ammunition, magazines, and L.C.E. if you don't have it. It starts tomorrow.</p>	8/9/22 2:13 AM
<p>"We investigated ourselves, and found Trump was the most dangerous child molester of all time."</p> <p>You better snap out of the fantasy there's a plan, or a peaceful solution (those of you buying that.). Be ready for civil war tomorrow. All summer they've dialed up the atrocities, while you're told to cheerlead Arizona primaries. If you won't fight (violently) these villains, you don't deserve rights.</p>	8/9/22 2:16 AM
<p>Not the statement, the statement is a joke. Be ready to fight (literally, with live rounds) tomorrow, though, because the communists really did this.</p>	8/9/22 2:38 AM

Let go of that fantasy! Evil already won, now we need to fight a civil war to take back the country.	8/9/22 2:41 AM
Why do you idiots think they would rig an election and get away with it, then let him win and put them them in prison?	
You're a fool if you think the courts'll be fair. You're a fool if you think the elections'll be fair. You're a fool if you think there's a nonviolent solution. If you don't fight back, like an American, you deserve everything that happens.	8/9/22 2:45 AM
God, and a few armed men, it's been done before. If you don't already have enough ammunition, magazines, and L.C.E. (vest that holds them), leave work as soon as those stores open and buy them. It starts today. You can get L.C.E. at the Army-Navy store.	8/9/22 12:00 PM
What happened when we did that in 2020? It's not like when they printed those ballots, the printer was out of cartridges. If you keep putting your faith in demonstrably bad faith elections, you are a harmless subject. We have to kill these people, the way we celebrated Americans for killing tyranny's agents throughout history.	8/9/22 12:53 PM
Very important question No, I am proposing war. Be ready to kill the enemy, not mass shootings where leftists go, not lighting busses on fire with transexuals in them, not finding people with leftist signs in their yards and beating them up. Violence is not (all) terrorism. Kill the F.B.I. on sight, and be ready to take down other active enemies of the people and those who try to prevent you from doing it.	8/9/22 3:11 PM
I hope he has copies of what was stolen, but not because it was something he wasn't allowed to have. This is like a case in 1948* where to protect a Democrat the F.B.I. stole evidence. The guy whose evidence had been stolen thought ahead, took pictures of the evidence, hollowed out a pumpkin in his pumpkin patch, and hid the pictures there. *yeah, it's been going on that long, just not as bad	8/9/22 7:40 PM
I don't have faith milk will still be good of it sat out when it was 90°. I have faith in what works historically. That is Americans defeating those who oppose men's rights on the battlefield. I wouldn't have had to remind any of you of that 3 years ago. Americans, if you don't have enough ammunition, magazines, and L.C.E., get it right now. Leave work early of that's what it means. Be ready for war today (though I feel the first action being in about 22 hours).	8/9/22 7:45 PM
Damn it, that one made me want to go to the library, but I can't turn my back on my weapon of the illegitimate authorities might take it.	8/9/22 7:46 PM
I'm having trouble getting information, but Viva Frei said patriots are heading to Palm Beach (where Mar A Lago is). I recommend going, and being Florida, I think the feds won't break it up. IF they do, kill them.	8/9/22 8:08 PM
I do not expect to save America, I do expect to die trying. If, when I am gone, you stick to this psuedohistorical line that America doesn't use violence, you deserve what happens to you. Your children, unfortunately, do not.	8/10/22 1:22 AM
A couple old ones, so noone thinks they used to be good (as opposed to not as bad): Pete Rose was falsely accused of betting against a team he managed. The F.B.I. found places Rose wrote down who was going to be the home team at upcoming games,	8/10/22 6:26 PM

they said it was a gambling notebook.(1989) A Democrat was spying for Stalin. The F.B.I. stole evidence of it from a lawyer's office. (1948)	
Don't hide from them. When they try to make you fear, hold up a sign saying, "We love Trump," when they come for you, kill them. Be an American, not a steer.	8/10/22 7:44 PM
I am not psycho (and I'm telling this to a guy trying to look gangsta and naming himself "Lil Jit."). Many things are not solved by shooting people. Nazi Germany was. English oppression of us was. Americans shooting people played a irreplaceable role in the cold war, even if the did call it that. When you catch a man beating your wife, but he's too far away to hit, you should shoot him.	8/10/22 8:14 PM
Well, I thought I had a way through bullet proof glass, and I didn't. If you don't hear from me, it is true I tried attacking the F.B.I., and it'll mean either I was taken off the internet, the F.B.I. got me, or they sent the regular cops while	8/11/22 1:29 PM

EXHIBIT 4B

UNITED STATES DISTRICT COURT

for the
Southern District of Ohio

In the Matter of the Search of

(Briefly describe the property to be searched
or identify the person by name and address)

INFORMATION ASSOCIATED WITH TRUTH SOCIAL PROFILE WITH
USERNAME @rickywshiffer or Ricky Shiffer THAT IS STORED AT
PREMISES CONTROLLED BY TRUTH SOCIAL

Case No. 1:22-mj-481

APPLICATION FOR A WARRANT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

SEE ATTACHMENT A

located in the Southern District of Ohio, there is now concealed (identify the person or describe the property to be seized):

SEE ATTACHMENT B

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):



evidence of a crime;

☐ contraband, fruits of crime, or other items illegally possessed;

☐ property designed for use, intended for use, or used in committing a crime;

☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section

18 U.S.C. 111

18 U.S.C. 930(b)

18 U.S.C. 875(c)

18 U.S.C. 1361

Offense Description
Assault, Intimidation, or Impeding of Officers

Possession of Firearm at Federal Facility

Online Threats

Damage to Federal Property

The application is based on these facts:

SEE ATTACHED AFFIDAVIT



Continued on the attached sheet.

☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet

Signature

Special Agent, FBI

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by

via FaceTime video

(specify reliable)

Date: **Aug 12, 2022**

City and state: Cincinnati, Ohio

Karen L. Litkovitz

United States Magistrate Judge



IN THE UNITED STATES DISTRICT COURT
FOR EASTERN DISTRICT OF TENNESSEE

IN THE MATTER OF THE SEARCH OF
INFORMATION ASSOCIATED WITH
TRUTH SOCIAL PROFILE WITH
USERNAME @rickywshiffer or Ricky
Shiffer THAT IS STORED AT PREMISES
CONTROLLED BY TRUTH SOCIAL

Case No. 1:22-mj-481

Filed Under Seal

**AFFIDAVIT IN SUPPORT OF
AN APPLICATION FOR A SEARCH WARRANT**

I, [REDACTED], being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I make this affidavit in support of an application for a search warrant for information associated with a certain Truth Social account that is stored at premises owned, maintained, controlled, or operated by Truth Social, a social-networking company headquartered in San Francisco, CA. The information to be searched is described in the following paragraphs and in Attachment A. This affidavit is made in support of an application for a search warrant under 18 U.S.C. §§ 2703(a), 2703(b)(1)(A), and 2703(c)(1)(A) to require Truth Social to disclose to the government records and other information in its possession, pertaining to the subscriber or customer associated with the Truth Social account.

2. I am a Special Agent with the Federal Bureau of Investigation (hereafter "FBI") and have been since [REDACTED]. Since [REDACTED] to the present, I have been assigned to the Joint Terrorist Task Force (hereafter "JTTF") of the National Security Branch of the FBI [REDACTED] Division. Prior to my assignment to the JTTF, I was assigned to the Complex Financial Crimes Squad of the FBI [REDACTED] Division. In this capacity, I investigated matters involving criminal enterprises, white collar crimes, civil rights violations, money laundering, and

various types of fraud. I have received training and investigative experience in interviewing and interrogation techniques, arrest procedures, search and seizure, search warrant applications, electronic media and computer investigations, and various other crimes and investigative techniques.

3. As a Federal Agent, I am authorized to investigate violations of laws of the United States and to execute warrants issued under the authority of the United States. Consequently, I am an “investigative or law enforcement officer of the United States,” within the meaning of Section 2510(7) of Title 18, United States Code, that is, an officer of the United States who is empowered by law to conduct investigations of and to make arrests for offenses enumerated in Section 2516 of Title 18, United States Code.

4. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

5. This investigation pertains to alleged violations of 18 U.S.C. 111 (assault, intimidation, or impeding of officers), 18 U.S.C. 930(b) (possession of firearm at federal facility), 18 U.S.C. 875(c) (online threats), and 18 U.S.C. 1361 (damage to federal property), those violations involving suspect Ricky W. Shiffer, Jr. and culminating on or about August 11, 2022 in the Southern District of Ohio.

PROBABLE CAUSE

6. On or about August 11, 2022, Protective Security Officers (“PSO”) with Paragon assigned to the Federal Bureau of Investigation [REDACTED], Ohio Division Headquarters City (“FBI [REDACTED] HQC”) located at [REDACTED], Ohio 45236, were

stationed in the Visitor Screening Facility (“VSF”) at the front of the FBI [REDACTED] HQC building. Between approximately 9:00 and 9:15 a.m., PSO Officers observed a white vehicle (the “VEHICLE”) quickly pull into the VSF parking lot. A white male, described as wearing a short-sleeved shirt, approximately 5’10” to 6’0” in height, having a slender to medium build, bald, and without any facial hair, later identified as Ricky Walter Shiffer, Jr. (the “SUBJECT”), exited the vehicle with an AR-15 style rifle slung across his body and carrying a nail gun. PSO Officers also observed the SUBJECT wearing some type of vest. The SUBJECT then approached the VSF and attempted to use a nail gun on the one of the VSF windows. At approximately 9:11 a.m., PSO Officers activated an internal security alarm.

7. After multiple attempts to use the nail gun on a VSF window, the SUBJECT returned to his vehicle and drove the vehicle through the VSF parking lot and departed the VSF parking lot.

8. The VEHICLE had a Florida license plate of [REDACTED]. Florida Bureau of Motor Vehicle records show the VEHICLE as being registered to the SUBJECT.

9. Between approximately 9:35 and 9:40 a.m., responding federal Agents followed the SUBJECT in the VEHICLE northbound on Interstate 71. Agents contacted a Captain with the Ohio State Highway Patrol (“OSP”) for assistance. OSP Officers joined the pursuit with Agents.

10. At some point during the pursuit, a vehicle stop of the VEHICLE was initiated. The SUBJECT then began firing shots at law enforcement and fled in the VEHICLE.



11. At approximately 10:06 a.m., the SUBJECT was observed by responding Agents and officers outside of and adjacent to the VEHICLE with a weapon near the intersection of Smith Road and Van Tress Road in or near Wilmington, Ohio. Agents reported that shots were

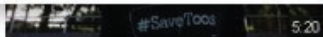

exchanged between law enforcement and the SUBJECT. The armed SUBJECT remained in a standoff with law enforcement from approximately 10 a.m. though approximately 4 p.m. At the conclusion of the standoff with law enforcement, the SUBJECT was deceased.



12. As part of the investigation, law enforcement has gathered information about SUBJECT's past activities and social media statements. For example, On May 13, 2022, an anonymous tipster (hereafter "ANONYMOUS") submitted an online tip to the FBI National Threat Operations Center (hereafter "NTOC") regarding certain group propaganda and veiled threats by Shiffer on an online social media platform called Rumble.com. Shiffer was described as a frequent poster on Rumble.com promoting violence and domestic terrorism including bragging about joining certain group(s). ANONYMOUS also submitted screenshots of Shiffer's

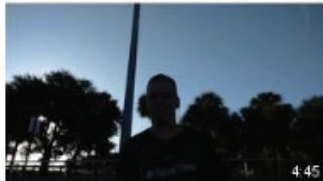

Rumble account which depicted posts of videos of himself at the United States Capitol on January 6, 2021, as shown below:



https://rumble.com/user/RickyShiffer?q=RickyShiffer



 RickyShiff | RickyShiffer 

 5:20  45 views • 5 rumbles • Oct 18, 2021

 4:09  RickyShiffer
40 views • 5 rumbles • Oct 18, 2021

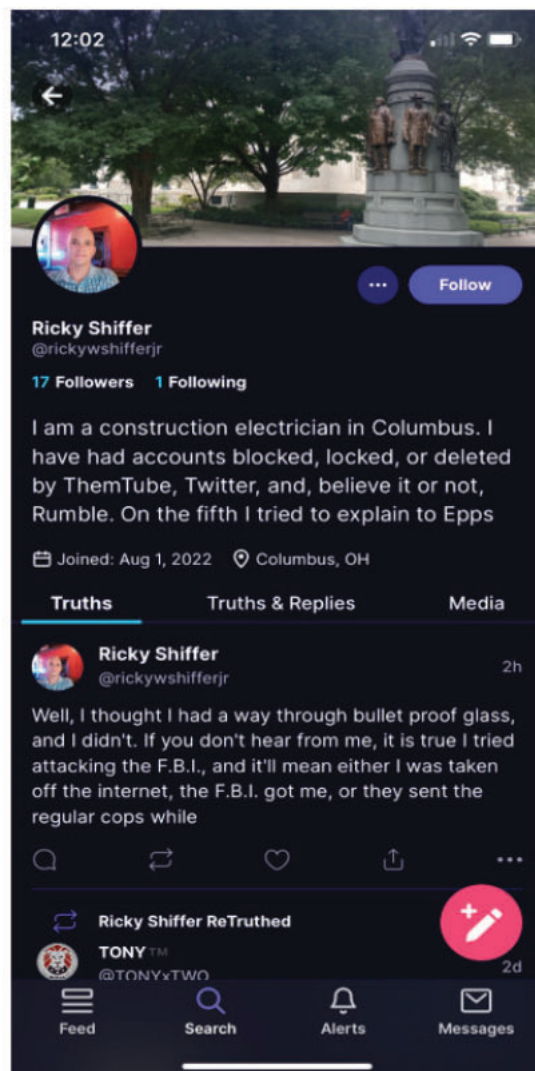
 4:45  RickyShiffer
46 views • 4 rumbles • Oct 18, 2021

 6:01  RickyShiffer
45 views • 4 rumbles • Oct 20, 2021

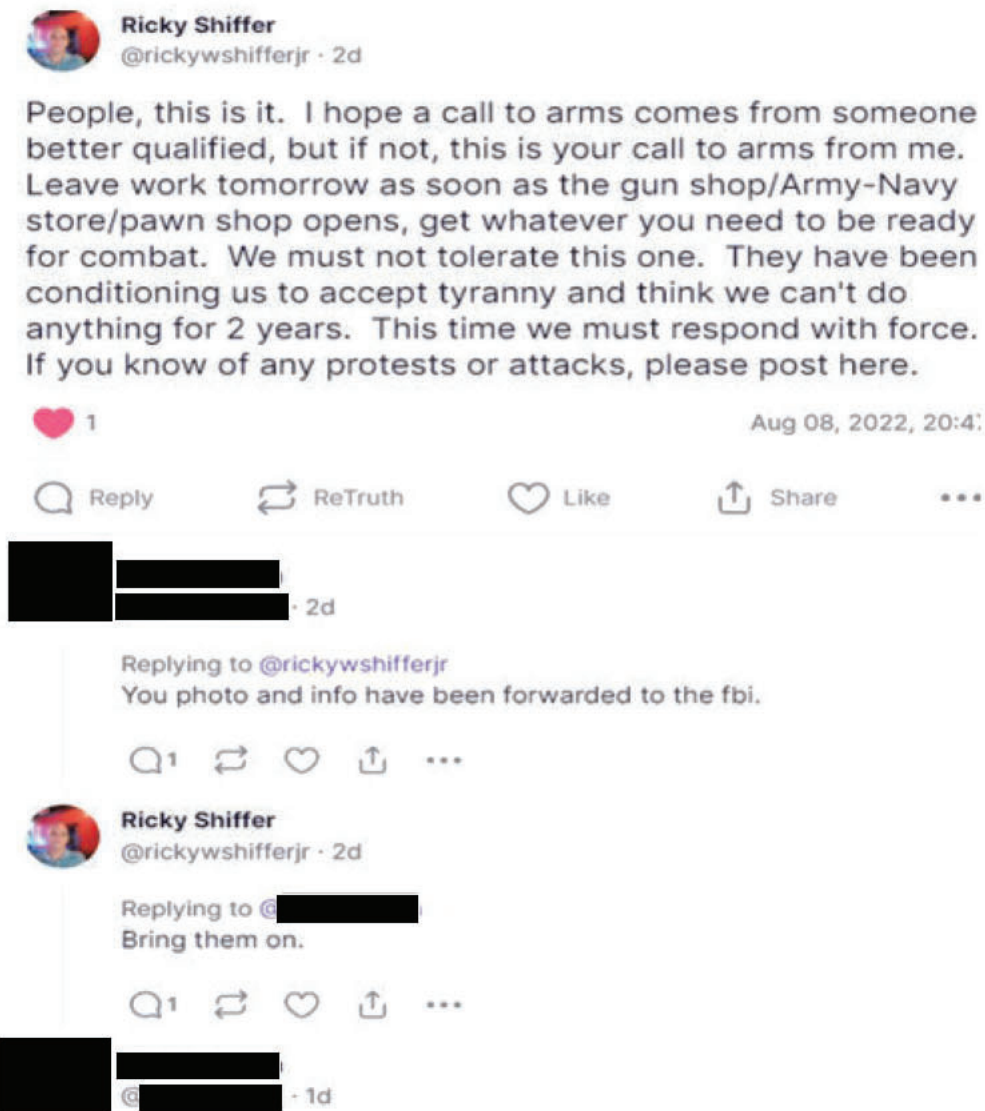
 0:22  RickyShiffer
3 rumbles • Sep 30, 2021

13. On August 11, 2022, an FBI Crisis Negotiator spoke to the SUBJECT. During that conversation, the SUBJECT confirmed his attendance to the United States Capitol on January 6, 2021.

14. Investigators identified a Truth Social account with profile name “Ricky Shiffer” and username @rickywshifferjr. At some point during the standoff, a post was made to the account relating to the events at the FBI [REDACTED] HQC on August 11, 2022, as shown below:



15. Investigators located a Truth Social post made to the @rickywshifferjr account on or about August 8, 2022 discussing a “call to arms” and that people must respond to “this one” with force, as shown below. The August 8, 2022 date corresponds to day the FBI executed a search warrant on Former President Donald Trump’s Mar-a-Lago residence.



16. Investigators located what appears to be a reply made to the Truth Social post above, where another Truth Social user asked @rickywshefflerjr if he was proposing terrorism.

A reply from @rickywshefflerjr indicated that he was proposing war, not terrorism, and that people need to be ready to kill the FBI “on sight.”



TECHNICAL TERMS

17. Based on my training and experience, I use the following technical terms to convey the following meanings:

- a. IP Address: The Internet Protocol address (or simply “IP address”) is a unique numeric address used by computers on the Internet. An IP address looks like a series of four numbers, each in the range 0-255, separated by periods (e.g., 121.56.97.178). Every computer attached to the Internet must be assigned an IP address so that Internet traffic sent from and directed to that computer may be directed properly from its source to its destination. Most Internet service providers control a range of IP addresses. Some computers have static—that is, long-term—IP addresses, while other computers have dynamic—that is, frequently changed—IP addresses.
- b. Internet: The Internet is a global network of computers and other electronic devices that communicate with each other. Due to the structure of the Internet, connections between devices on the Internet often cross state and international borders, even when the devices communicating with each other are in the same state.
- c. Storage medium: A storage medium is any physical object upon which computer data can be recorded. Examples include hard disks, RAM, floppy disks, flash memory, CD-ROMs, and other magnetic or optical media.

18. Truth Social owns and operates a free-access social-networking website of the same name that can be accessed at <http://www.truthsocial.com>. Truth Social allows its users to create their own profile pages, which can include a short biography, a photo of themselves, and location information. Truth Social also permits users create communications called “Truths” or “Retruths” to individuals whom they approve. These features are described in more detail below.

19. Upon creating a Truth Social account, a Truth Social user must create a unique Truth Social username and an account password, and the user may also select a different name of 20 characters or fewer to identify his or her Truth Social account. The Truth Social user may also change this username, password, and name without having to open a new Truth Social account.

20. Truth Social may ask users to provide basic identity and contact information, either during the registration process or thereafter. This information may include the user's full name, e-mail addresses, physical address (including city, state, and zip code), date of birth, gender, hometown, occupation, and other personal identifiers. For each user, Truth Social may retain information about the date and time at which the user's profile was created, the date and time at which the account was created, and the Internet Protocol ("IP") address at the time of sign-up. Because every device that connects to the Internet must use an IP address, IP address information can help to identify which computers or other devices were used to access a given Truth Social account.

21. A Truth Social user can post a personal photograph or image (also known as an "avatar") to his or her profile, and can also change the profile background or theme for his or her account page. In addition, Truth Social users can post "bios" of 160 characters or fewer to their profile pages.

22. Truth Social also keeps IP logs for each user. These logs contain information about the user's logins to Truth Social including, for each access, the IP address assigned to the user and the date stamp at the time the user accessed his or her profile.

23. As discussed above, Truth Social users can use their Truth Social accounts to post "Truths" or "Retruths". Each Truth may include a timestamp that displays when the Truth was posted to Truth Social. Truth Social users can also "favorite," "retruth," or reply to the Truths of

other users. In addition, when a Truth includes a Truth Social username, often preceded by the @ sign, Truth Social designates that Truth a “mention” of the identified user. In the “Connect” tab for each account, Truth Social provides the user with a list of other users who have favorited or retruthed the user’s own Truths, as well as a list of all Truths that include the user’s username (*i.e.*, a list of all “mentions” and “replies” for that username).

24. Truth Social users can include photographs or images in their Truths. Each Truth Social account also is provided a user gallery that includes images that the user has shared on Truth Social, including images uploaded by other services.

25. Truth Social users can also opt to include location data in their Truths, which will reveal the users’ locations at the time they post each Truth. This “Truth With Location” function is off by default, so Truth Social users must opt in to the service. In addition, Truth Social users may delete their past location data.

26. When Truth Social users want to post a Truth that includes a link to a website, they can use Truth Social’s link service, which converts the longer website link into a shortened link that begins with <http://t.co>. This link service measures how many times a link has been clicked.

27. A Truth Social user can “follow” other Truth Social users, which means subscribing to those users’ Truths and site updates. Each user profile page includes a list of the people who are following that user (*i.e.*, the user’s “followers” list) and a list of people whom that user follows (*i.e.*, the user’s “following” list). Truth Socials users can “unfollow” users whom they previously followed, and they can also adjust the privacy settings for their profile so that their Truths are visible only to the people whom they approve, rather than to the public (which is the default setting). A Truth Social user can also group other Truth Social users into

“lists” that display on the right side of the user’s home page on Truth Social. Truth Social also provides users with a list of “Who to Follow,” which includes a few recommendations of Truth Social accounts that the user may find interesting, based on the types of accounts that the user is already following and who those people follow.

28. In addition to posting Truths, a Truth Social user can also send Direct Messages (DMs) to one of his or her followers. These messages are typically visible only to the sender and the recipient, and both the sender and the recipient have the power to delete the message from the inboxes of both users. As of January 2012, Truth Social displayed only the last 100 DMs for a particular user, but older DMs are stored on Truth Social’s database.

29. Truth Social users can configure the settings for their Truth Social accounts in numerous ways. For example, a Truth Social user can configure his or her Truth Social account to send updates to the user’s mobile phone, and the user can also set up a “sleep time” during which Truth Social updates will not be sent to the user’s phone.

30. Truth Social includes a search function that enables its users to search all public Truths for keywords, usernames, or subject, among other things. A Truth Social user may save up to 25 past searches.

31. Truth Social users can connect their Truth Social accounts to third-party websites and applications, which may grant these websites and applications access to the users’ public Truth Social profiles.

32. If a Truth Social user does not want to interact with another user on Truth Social, the first user can “block” the second user from following his or her account.

33. In some cases, Truth Social users may communicate directly with Truth Social about issues relating to their account, such as technical problems or complaints. Social-

INFORMATION TO BE SEARCHED AND THINGS TO BE SEIZED

CONCLUSION

37. This Court has jurisdiction to issue the requested warrant because it is “a court of competent jurisdiction” as defined by 18 U.S.C. § 2711. 18 U.S.C. §§ 2703(a), (b)(1)(A) & (c)(1)(A). Specifically, the Southern District of Ohio is “a district court of the United States . . . that – has jurisdiction over the offense being investigated.” 18 U.S.C. § 2711(3)(A)(i).

38. Pursuant to 18 U.S.C. § 2703(g), the presence of a law enforcement officer is not required for the service or execution of this warrant.

REQUEST FOR SEALING

39. It is respectfully requested that this Court issue an order sealing, until further order of the Court, all papers submitted in support of this application, including the application and search warrant. I believe that sealing this document is necessary because the items and information to be seized are relevant to an ongoing investigation into the criminal organizations as not all of the targets of this investigation will be searched at this time. Based upon my training and experience, I have learned that online criminals actively search for criminal affidavits and search warrants via the Internet, and disseminate them to other online criminals as they deem appropriate, i.e., post them publicly online through the carding forums. Premature disclosure of the contents of this affidavit and related documents may have a significant and negative impact on the continuing investigation and may severely jeopardize its effectiveness.

Respectfully submitted,

Special Agent
Federal Bureau of Investigation

Subscribed and sworn to before me on Aug 12, 2022, 2022

Karen L. Litkovitz
Karen L. Litkovitz
United States Magistrate Judge



ATTACHMENT A

Property to Be Searched

This warrant applies to information associated with the Truth Social profile with username **@rickyshiffer** that is stored at premises owned, maintained, controlled, or operated by Truth Social, a company headquartered in San Francisco, California.

ATTACHMENT B

Particular Things to be Seized

I. Information to be disclosed by Truth Social

To the extent that the information described in Attachment A is within the possession, custody, or control of Truth Social, including any messages, records, files, logs, or information that have been deleted but are still available to Truth Social, or have been preserved pursuant to a request made under 18 U.S.C. § 2703(f), Truth Social is required to disclose the following information to the government for each account listed in Attachment A:

- a. All identity and contact information, including full name, e-mail address, physical address (including city, state, and zip code), date of birth, gender, hometown, occupation, and other personal identifiers;
- b. All past and current usernames, account passwords, and names associated with the account;
- c. The dates and times at which the account and profile were created, and the Internet Protocol (“IP”) address at the time of sign-up;
- d. All IP logs and other documents showing the IP address, date, and time of each login to the account;
- e. All data and information associated with the profile page, including photographs, “bios,” and profile backgrounds and themes;
- f. All “Truths” and Direct Messages sent, received, “favorited,” or retruthed by the account, and all photographs or images included in those Truths and Direct Messages;

- g. All information from the “Connect” tab for the account, including all lists of Truth Social users who have favorited or retruthed Truths posted by the account, as well as a list of all Truths that include the username associated with the account (*i.e.*, “mentions” or “replies”);
- h. All photographs and images in the user gallery for the account;
- i. All location data associated with the account, including all information collected by the “Truth With Location” service;
- j. All information about the account’s use of Truth Social’s link service, including all longer website links that were shortened by the service, all resulting shortened links, and all information about the number of times that a link posted by the account was clicked;
- k. All data and information that has been deleted by the user;
- l. A list of all of the people that the user follows on Truth Social and all people who are following the user (*i.e.*, the user’s “following” list and “followers” list);
- m. A list of all users that the account has “unfollowed” or blocked;
- n. All “lists” created by the account;
- o. All information on the “Who to Follow” list for the account;
- p. All privacy and account settings;
- q. All records of Truth Social searches performed by the account, including all past searches saved by the account;
- r. All information about connections between the account and third-party websites and applications;

- s. All records pertaining to communications between Truth Social and any person regarding the user or the user's Truth Social account, including contacts with support services, and all records of actions taken, including suspensions of the account.

II. Information to be seized by the government

All information described above in Section I that constitutes fruits, evidence, and instrumentalities of violations of 18 U.S.C. 111 (assault, intimidation, or impeding of officers), 18 U.S.C. 930(b) (possession of firearm at federal facility), 18 U.S.C. 875 (online threats), and 18 U.S.C. 1361 (damage to federal property), those violations involving suspect Ricky W. Shiffer, Jr from January 1, 2021 to August 11, 2022, including, for each user ID identified on Attachment A, information pertaining to the following matters:

- a. Records relating to who created, used, or communicated with the account, including records about their identities and whereabouts;
- b. Records and information relating to communication devices, including phones and computers, used in the planning, preparation or in furtherance of the attack on August 11, 2022;
- c. Records and information relating to the Federal Bureau of Investigation, including but not limited to, research or websites about the location of the FBI offices, FBI investigations, FBI security measures or other operational security;
- d. Records and information relating to the suspect's motive and intent; and
- e. Records and information relating to any associates of the suspect relating to the offenses above.

- f. Records and information relating to items used for a violent attack or assault, including firearms, ammunition, nail guns (and related equipment), body armor, helmets, and masks;

CERTIFICATE OF AUTHENTICITY OF DOMESTIC BUSINESS RECORDS
PURSUANT TO FEDERAL RULE OF EVIDENCE 902(11)

I, _____, attest, under penalties of perjury under the laws of the United States of America pursuant to 28 U.S.C. § 1746, that the information contained in this declaration is true and correct. I am employed by Truth Social, and my official title is _____. I am a custodian of records for Truth Social. I state that each of the records attached hereto is the original record or a true duplicate of the original record in the custody of Truth Social, and that I am the custodian of the attached records consisting of _____ (pages/CDs/kilobytes). I further state that:

- a. all records attached to this certificate were made at or near the time of the occurrence of the matter set forth, by, or from information transmitted by, a person with knowledge of those matters;
- b. such records were kept in the ordinary course of a regularly conducted business activity of Truth Social; and
- c. such records were made by Truth Social as a regular practice.

I further state that this certification is intended to satisfy Rule 902(11) of the Federal Rules of Evidence.

Date

Signature

UNITED STATES DISTRICT COURT

for the
Southern District of Ohio

In the Matter of the Search of
*(Briefly describe the property to be searched
or identify the person by name and address)*

INFORMATION ASSOCIATED WITH TRUTH SOCIAL PROFILE
WITH USERNAME @rickywshiffer or Ricky Shiffer THAT IS
STORED AT PREMISES CONTROLLED BY TRUTH SOCIAL

Case No. 1:22-mj-481

WARRANT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search and seizure of the following person or property located in the Southern District of Ohio
(identify the person or describe the property to be searched and give its location):

SEE ATTACHMENT A

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property described above, and that such search will reveal (*identify the person or describe the property to be seized*):

SEE ATTACHMENT B

YOU ARE COMMANDED to execute this warrant on or before 8/26/2022 (not to exceed 14 days)
☒ in the daytime 6:00 a.m. to 10:00 p.m. at any time in the day or night because good cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to Honorable Karen L. Litkovitz.
(United States Magistrate Judge)

☐ Pursuant to 18 U.S.C. § 3103a(b), I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized (*check the appropriate box*)

☐ for _____ days (*not to exceed 30*) ☐ until, the facts justifying, the later specific date of _____.

Date and time issued: **6:49 PM, Aug 12, 2022**

City and state: Cincinnati, Ohio

Karen L. Litkovitz

United States Magistrate Judge



Case No.:

Copy of warrant and inventory left with:

Inventory of the property taken and name(s) of any person(s) seized:

I declare under penalty of perjury that this inventory is correct and was returned along with the original warrant to the designated judge.

Executing officer's signature

Printed name and title

ATTACHMENT A

Property to Be Searched

This warrant applies to information associated with the Truth Social profile with username **@rickyshiffer** that is stored at premises owned, maintained, controlled, or operated by Truth Social, a company headquartered in San Francisco, California.

ATTACHMENT B

Particular Things to be Seized

I. Information to be disclosed by Truth Social

To the extent that the information described in Attachment A is within the possession, custody, or control of Truth Social, including any messages, records, files, logs, or information that have been deleted but are still available to Truth Social, or have been preserved pursuant to a request made under 18 U.S.C. § 2703(f), Truth Social is required to disclose the following information to the government for each account listed in Attachment A:

- a. All identity and contact information, including full name, e-mail address, physical address (including city, state, and zip code), date of birth, gender, hometown, occupation, and other personal identifiers;
- b. All past and current usernames, account passwords, and names associated with the account;
- c. The dates and times at which the account and profile were created, and the Internet Protocol (“IP”) address at the time of sign-up;
- d. All IP logs and other documents showing the IP address, date, and time of each login to the account;
- e. All data and information associated with the profile page, including photographs, “bios,” and profile backgrounds and themes;
- f. All “Truths” and Direct Messages sent, received, “favorited,” or retruthed by the account, and all photographs or images included in those Truths and Direct Messages;

- g. All information from the “Connect” tab for the account, including all lists of Truth Social users who have favorited or retruthed Truths posted by the account, as well as a list of all Truths that include the username associated with the account (*i.e.*, “mentions” or “replies”);
- h. All photographs and images in the user gallery for the account;
- i. All location data associated with the account, including all information collected by the “Truth With Location” service;
- j. All information about the account’s use of Truth Social’s link service, including all longer website links that were shortened by the service, all resulting shortened links, and all information about the number of times that a link posted by the account was clicked;
- k. All data and information that has been deleted by the user;
- l. A list of all of the people that the user follows on Truth Social and all people who are following the user (*i.e.*, the user’s “following” list and “followers” list);
- m. A list of all users that the account has “unfollowed” or blocked;
- n. All “lists” created by the account;
- o. All information on the “Who to Follow” list for the account;
- p. All privacy and account settings;
- q. All records of Truth Social searches performed by the account, including all past searches saved by the account;
- r. All information about connections between the account and third-party websites and applications;

- s. All records pertaining to communications between Truth Social and any person regarding the user or the user's Truth Social account, including contacts with support services, and all records of actions taken, including suspensions of the account.

II. Information to be seized by the government

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- a. Records relating to who created, used, or communicated with the account, including records about their identities and whereabouts;
- b. Records and information relating to communication devices, including phones and computers, used in the planning, preparation or in furtherance of the attack on August 11, 2022;
- c. Records and information relating to the Federal Bureau of Investigation, including but not limited to, research or websites about the location of the FBI offices, FBI investigations, FBI security measures or other operational security;
- d. Records and information relating to the suspect's motive and intent; and
- e. Records and information relating to any associates of the suspect relating to the offenses above.

- f. Records and information relating to items used for a violent attack or assault, including firearms, ammunition, nail guns (and related equipment), body armor, helmets, and masks;

EXHIBIT 4C

FBI Cincinnati
Public Affairs Specialist Todd Lindgren
(513) 979-8347

August 11, 2022

FBI Cincinnati Statement

Updated Statement - August 12, 2022:

On August 11, 2022 at approximately 9:15 AM EST, an armed male subject attempted to breach the Visitor Screening Facility at the FBI Cincinnati Field Office. The subject eventually fled and was encountered by the FBI, Ohio State Highway Patrol, and local law enforcement near Wilmington, OH. The subject shot at law enforcement officers. During the incident, law enforcement also fired their weapons. At approximately 3:45 PM, the subject was shot and is deceased.

The FBI is now reviewing this agent-involved shooting. The FBI takes all shooting incidents involving our agents or task force members seriously. In accordance with FBI policy, the shooting incident is under investigation by the FBI's Inspection Division. The review process is thorough and objective, and is conducted as expeditiously as possible under the circumstances.

Original Statement - August 11, 2012:

On August 11, 2022, at approximately 9:15 EST, the FBI Cincinnati Field Office had an armed subject attempt to breach the Visitor Screening Facility (VSF). Upon the activation of an alarm and a response by armed FBI special agents, the subject fled northbound onto Interstate 71. The FBI, Ohio State Highway Patrol, and local law enforcement partners are on scene near Wilmington, Ohio, trying to resolve this critical incident.

Most Wanted	News	What We Investigate	Contact Us
Ten Most Wanted	Stories	Terrorism	Field Offices
Fugitives	Videos	Counterintelligence	FBI Headquarters
Terrorism	Press Releases	Cyber Crime	Visit the FBI Experience
Kidnappings / Missing Persons	Speeches	Public Corruption	Overseas Offices
Seeking Information	Testimony	Civil Rights	
Bank Robbers	Podcasts and Radio	Organized Crime	Additional Resources
ECAP	Photos	White-Collar Crime	Accessibility
ViCAP	Español	Violent Crime	eRulemaking
	Apps	WMD	Freedom of Information / Privacy Act
FBI Jobs		About	Legal Notices
Submit a Tip	How We Can Help You	Mission & Priorities	Legal Policies & Disclaimers
Crime Statistics	Law Enforcement	Leadership & Structure	Privacy Policy
History	Victims	Partnerships	USA.gov
FOIPA	Parents and Caregivers	Community Outreach	White House
Scams & Safety	Students	FAQs	No FEAR Act
FBI Kids	Businesses		Equal Opportunity
	Safety Resources		
	Need an FBI Service or More Information?		



EXHIBIT 4D

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 22-8332-BER

IN RE: SEALED SEARCH WARRANT

_____ /

ORDER ON MOTIONS TO UNSEAL¹

On August 8, 2022, the Government executed a search warrant at 1100 S. Ocean Boulevard, Palm Beach, Florida (“the Premises”). The Premises are a private club that is also the part-time residence of Former President Donald J. Trump.

Numerous intervenors (“Intervenors”) now move to unseal materials related to the search warrant. ECF No. 17 at 2. The Intervenors are Judicial Watch (ECF No. 4), Albany Times Union (ECF No. 6), The New York Times Company (ECF No. 9), CBS Broadcasting, Inc. (ECF No. 20), NBCUniversal Media, LLC d/b/a NBC News, Cable News Network, Inc., WP Company, LLC d/b/a The Washington Post, and E.W. Scripps Company (ECF No. 22), The Palm Beach Post (ECF No. 23), The Florida Center for Government Accountability, Inc. (ECF No. 30), The McClatchy Company LLC d/b/a Miami Herald and Times Publishing Company d/b/a Tampa Bay Times (ECF No. 31), Dow Jones & Company, Inc. (ECF No. 32), The Associated Press (ECF No. 33), and ABC, Inc. (ECF No. 49). The Government opposes the request to unseal. ECF No. 59. Neither Former President Trump nor anyone else purporting to be the

¹ This Order memorializes and supplements my rulings from the bench at the hearing on August 18, 2022.

owner of the Premises has filed a pleading taking a position on the Intervenor's Motions to Unseal.

BACKGROUND

On August 5, 2022, the Court issued a search warrant for the Premises after finding probable cause that evidence of multiple federal crimes would be found at the Premises ("the Warrant"). An FBI Special Agent's sworn affidavit ("the Affidavit") provided the facts to support the probable cause finding. The Government submitted (1) a Criminal Cover Sheet, (2) an Application for Warrant by Electronic Means, (3) the Affidavit, (4) a proposed Warrant, (5) a Motion to Seal all of the documents related to the Application and the Warrant, and (6) a proposed Order to Seal (collectively the "Warrant Package"). The Government asserted there was good cause for sealing the entire Warrant Package because public disclosure might lead to an ongoing investigation being compromised and/or evidence being destroyed. ECF No. 2. The Motion to Seal the entire Warrant Package was granted. ECF No. 3. After the search on August 8, 2022, the Government filed an inventory of the seized items (the "Inventory"), as required by Federal Rule of Criminal Procedure 41(f)(1)(D). ECF No. 21.

Beginning on August 10, 2022, the Intervenor's filed motions to intervene and to unseal the entire Warrant Package. On August 11, the Government moved to unseal (1) the Warrant and (2) a copy of the Inventory that had been redacted only to remove the names of FBI Special Agents and the FBI case number. ECF No. 18. The Court granted the Government's Motion to Unseal these materials on August 12,

2022. ECF No. 41. Those materials are now publicly available. Therefore, to the extent the Intervenor has moved to unseal the Warrant and the Inventory, the motions are DENIED AS MOOT.

On August 12, 2022, the Government filed under seal redacted copies of several other documents from the Warrant Package — the Criminal Cover Sheet, the Application for a Warrant by Telephone or Other Reliable Electronic Means, the Motion to Seal, and the Sealing Order. ECF No. 57. These materials are redacted only to conceal the identities of an Assistant United States Attorney and an FBI Special Agent. The Government does not oppose unsealing the redacted versions. ECF No. 59 at 2. The Intervenor does not object to the limited redactions. Hrg. Tr. at 8. I find that the redactions are appropriate to protect the identity and personal safety of the prosecutor and investigator. Therefore, to the extent the Intervenor moves to unseal these redacted documents, their motions are GRANTED. *See* ECF No. 74.

All that remains, then, is to decide whether the Affidavit should be unsealed in whole or in part. With one notable exception that is not dispositive, the parties agree about the legal principles that apply.² They disagree only about how I should apply those principles to the facts. The Government concedes that it bears the burden of justifying why the Affidavit should remain sealed. Hrg. Tr. at 8; *see, e.g., DiRussa v. Dean Witter Reynolds Inc.*, 121 F.3d 818, 826 (2d Cir. 1997).

² As discussed below, the parties disagree whether a First Amendment right of public access applies to a sealed search warrant and related documents.

APPLICABLE LEGAL PRINCIPLES

It is a foundational principle of American law that judicial proceedings should be open to the public. An individual's right to access judicial records may arise from the common law, the First Amendment, or both. *Chicago Tribune Co. v. Bridgestone/Firestone, Inc.*, 263 F.3d 1304, 1310-12 (11th Cir. 2001). That right of access is not absolute, however. *Nixon v. Warner Commc'ns, Inc.*, 435 U.S. 589, 597 (1978). Where a sufficient reason exists, a court filing can be sealed from public view.

"The common law right of access may be overcome by a showing of good cause, which requires balanc[ing] the asserted right of access against the other party's interest in keeping the information confidential." *Romero v. Drummond Co., Inc.*, 480 F.3d 1234, 1246 (11th Cir. 2007) (brackets in original) (quoting *Chicago Tribune*, 263 F.3d at 1309). In deciding whether good cause exists, "courts consider, among other factors, whether allowing access would impair court functions or harm legitimate privacy interests, the degree of and likelihood of injury if made public, the reliability of the information, whether there will be an opportunity to respond to the information, whether the information concerns public officials or public concerns, and the availability of a less onerous alternative to sealing the documents." *Romero*, 480 F.3d at 1246. They also consider "whether the records are sought for such illegitimate purposes as to promote public scandal or gain unfair commercial advantage, whether access is likely to promote public understanding of historically significant events, and whether the press has already been permitted substantial access to the contents of

the records.” *Newman v. Graddick*, 696 F.2d 796, 803 (11th Cir. 1983) (citing *Nixon*, 435 U.S. at 596-603 & n.11).

Despite the First Amendment right of access, a document can be sealed if there is a compelling governmental interest and the denial of access is “narrowly tailored to serve that interest.” *Globe Newspaper Co. v. Superior Court*, 457 U.S. 596, 606 (1982).

The Eleventh Circuit has not resolved whether the First Amendment right of access applies to pre-indictment search warrant materials. The Government argues, “The better view is that no First Amendment right to access pre-indictment warrant materials exists because there is no tradition of public access to *ex parte* warrant proceedings.” ECF No. 59 at 4 n.3. Nevertheless, the Government says that I need not resolve this question because, even under the First Amendment test, a compelling reason exists for continued sealing. *Id.* (citing *Bennett v. United States*, No. 12-61499-CIV, 2013 WL 3821625, at *4 (S.D. Fla. July 23, 2013) (J. Rosenbaum)).

I do not need to resolve whether the First Amendment right of access applies here. As a practical matter, the analyses under the common law and the First Amendment are materially the same. Both look to whether (1) the party seeking sealing has a sufficiently important interest in secrecy that outweighs the public’s right of access and (2) whether there is a less onerous (or, said differently, a more narrowly tailored) alternative to sealing. As discussed more fully below, in this case, both tests lead to the same conclusion.

DISCUSSION

1. *Balancing the Parties' Interests*³

The Government argues that unsealing the Affidavit would jeopardize the integrity of its ongoing criminal investigation. The Government's motion says, "As the Court is aware from its review of the affidavit, it contains, among other critically important and detailed investigative facts: highly sensitive information about witnesses, including witnesses interviewed by the government; specific investigative techniques; and information required by law to be kept under seal pursuant to Federal Rule of Criminal Procedure 6(e)." ECF No. 59 at 8.

Protecting the integrity and secrecy of an ongoing criminal investigation is a well-recognized compelling governmental interest. *See, e.g., United States v. Valenti*, 987 F.2d 708, 714 (11th Cir. 1993); *Bennett*, 2013 WL 3821625, at *4; *Patel v. United States*, No. 19-MC-81181, 2019 WL 4251269, at *4 (S.D. Fla. Sept. 9, 2019) (J. Matthewman). "Although many governmental processes operate best under public scrutiny, it takes little imagination to recognize that there are some kinds of government operations that would be totally frustrated if conducted openly." *Press-*

³ "As the Eleventh Circuit has explained, findings in a public order as to the need for sealing 'need not be extensive. Indeed, should a court say too much the very secrecy which sealing was intended to preserve could be impaired. The findings need only be sufficient for a reviewing court to be able to determine, *in conjunction with a review of the sealed documents themselves*, what important interest or interests the district court found sufficiently compelling to justify the denial of public access.'" *United States v. Steinger*, 626 F. Supp. 2d 1231, 1234 (S.D. Fla. 2009) (J. Jordan) (citing and adding emphasis to *United States v. Kooistra*, 796 F.2d 1390, 1391 (11th Cir. 1986)).

Enter. Co. v. Superior Court of Cal. for Riverside Cnty., 478 U.S. 1, 8-9 (1986). Criminal investigations are one such government operation. The Intervenor's agree that protecting the integrity of an ongoing criminal investigation can, in the right case, override the common law right of access. Hrg. Tr. at 28.

In the context of an ongoing criminal investigation, the legitimate governmental concerns include whether: (1) witnesses will be unwilling to cooperate and provide truthful information if their identities might be publicly disclosed; (2) law enforcement's ability to use certain investigative techniques in the future may be compromised if these techniques become known to the public; (3) there will be an increased risk of obstruction of justice or subornation of perjury if subjects of investigation know the investigative sources and methods; and (4) if no charges are ultimately brought, subjects of the investigation will suffer reputational damage. *See Douglas Oil Co. of Cal. v. Petrol Stops Nw.*, 441 U.S. 211, 219 n.10 (1979) (discussing importance of secrecy to grand jury investigations) (quoting *United States v. Procter & Gamble*, 356 U.S. 677, 681-82 n.6 (1958)). Most of the cases discussing these principles arise in the grand jury setting. *See, e.g., Sec. & Exch. Comm'n v. Dresser Indus., Inc.*, 628 F.2d 1368, 1382 (D.C. Cir. 1980) (Grand jury secrecy "serves to protect the identities of witnesses or jurors, the substance of testimony, the strategy or direction of the investigation, the deliberations or questions of jurors, and the like."); *see also Pitch v. United States*, 953 F.3d 1226, 1232 (11th Cir. 2020) (discussing "vital purposes" for grand jury secrecy). The same concerns also apply to a pre-indictment search warrant. At the pre-indictment stage, the Government's need to

conceal the scope and direction of its investigation, as well as its investigative sources and methods, is at its zenith. *Blalock v. United States*, 844 F.2d 1546, 1550 n.5 (11th Cir. 1988) (“The courts’ concern for grand jury secrecy and for the grand jury’s law enforcement function is generally greatest during the investigative phase of grand jury proceedings.”) (quoting S. Beale & W. Bryson, *Grand Jury Law & Practice* § 10:18 (1986)). Maximizing the Government’s access to untainted facts increases its ability to make a fully-informed prosecutive decision while also minimizing the effects on third parties.

As the Government aptly noted at the hearing, these concerns are not hypothetical in this case. One of the statutes for which I found probable cause was 18 U.S.C. § 1519, which prohibits obstructing an investigation. Also, as some of the media Intervenors have reported, there have been increased threats against FBI personnel since the search. ECF No. 59 at 8 n.5 (citing news articles about threats to law enforcement); *see, e.g.*, Josh Campbell, et al., *FBI Investigating ‘Unprecedented’ Number of Threats Against Bureau in Wake of Mar-a-Lago Search*, CNN.COM (Aug. 13, 2022), <https://www.cnn.com/2022/08/12/politics/fbi-threats-maralago-trump-search/index.html>; Nicole Sganga, *FBI and DHS Warn of Increased Threats to Law Enforcement and Government Officials After Mar-a-lago Search*, CBSNEWS.COM (Aug. 15, 2022), <https://www.cbsnews.com/news/mar-a-lago-search-fbi-threat-law-enforcement/>. An armed man attempted to infiltrate the FBI Office in Cincinnati, Ohio on August 11, three days after the search. Elisha Fieldstadt, et al., *Armed Man Who was at Capitol on Jan. 6 is Fatally Shot After Firing into an FBI Field Office in*

Cincinnati, NBCNEWS.COM (Aug. 11, 2022), <https://www.nbcnews.com/news/us-news/armed-man-shoots-fbi-cincinnati-building-nail-gun-flees-leading-inters-rcna42669>. After the public release of an unredacted copy of the Inventory, FBI agents involved in this investigation were threatened and harassed. Alia Shoaib, *An Ex-Trump Aide and Right-wing Breitbart News Have Been Separately Accused of Doxxing [sic] the FBI Agents Involved in the Mar-a-Lago Raid*, BUSINESSINSIDER.COM (Aug. 13, 2022), <https://www.businessinsider.com/breitbart-trump-aide-doxxing-mar-a-lago-raid-fbi-agents-2022-8>. Given the public notoriety and controversy about this search, it is likely that even witnesses who are not expressly named in the Affidavit would be quickly and broadly identified over social media and other communication channels, which could lead to them being harassed and intimidated.

Balancing the Government's asserted compelling need for sealing against the public's interest in disclosure, I give great weight to the following factors:

- There is a significant likelihood that unsealing the Affidavit would harm legitimate privacy interests by directly disclosing the identity of the affiant as well as providing evidence that could be used to identify witnesses. As discussed above, these disclosures could then impede the ongoing investigation through obstruction of justice and witness intimidation or retaliation. This factor weighs in favor of sealing.
- The Affidavit discloses the sources and methods used by the Government in its ongoing investigation. I agree with the Government

that the Affidavit “contains, among other critically important and detailed investigative facts: highly sensitive information about witnesses, including witnesses interviewed by the government; specific investigative techniques; and information required by law to be kept under seal pursuant to Federal Rule of Criminal Procedure 6(e).” ECF No. 59 at 8. Disclosure of these facts would detrimentally affect this investigation and future investigations. This factor weighs in favor of sealing.

- The Affidavit discusses physical aspects of the Premises, which is a location protected by the United States Secret Service. Disclosure of those details could affect the Secret Service’s ability to carry out its protective function. This factor weighs in favor of sealing.
- As the Government concedes, this Warrant involves “matters of significant public concern.” ECF No. 59 at 7. Certainly, unsealing the Affidavit would promote public understanding of historically significant events. This factor weighs in favor of disclosure.

The Intervenor emphasize that the Court is required to consider if the press has “already been permitted substantial access to the contents of the records.” *Newman*, 696 F.2d at 803. The Government acknowledges that the unsealed Warrant and Inventory already disclose “the potential criminal statutes at issue in this investigation and the general nature of the items seized, including documents marked as classified.” ECF No. 59 at 7. One Intervenor argues that no privacy

interest remains because “Mr. Trump and his counsel have spoken repeatedly about the government’s search and publicly disclosed information about the alleged subject matter of the warrant, including the potential mishandling of classified documents and violations of the Presidential Records Act.” ECF No. 32 at 5. Another cites the Government’s statement in its Motion to Unseal the Warrant that “the occurrence of the search and indications of the subject matter involved are already public.” ECF No. 22 at 7 (citing ECF No. 18 at 3). A third argues:

The investigation has been made public by the target of the warrant himself, details of the investigation have appeared in publications throughout the world, members of Congress have demanded that the Justice Department provide an explanation, and political commentary on the search continues unabated. In short, with so much publicity surrounding the search, the Court should be skeptical about government claims that disclosure of this true information will invade privacy, disturb the confidentiality of an investigation, tip off potential witnesses, or lead to the destruction of evidence.

ECF No. 8 at 8-9. No one disputes that there has been much public discourse about this Warrant and the related investigation. ECF No. 67 at 7-9 (summarizing issues of public discussion). Nevertheless, much of the information being discussed is based on anonymous sources, speculation, or hearsay; the Government has not confirmed its accuracy.

In any event, these arguments ignore that the contents of the Affidavit identify not just the facts known to the Government, but the sources and methods (i.e., the witnesses and the investigative techniques) used to gather those facts. That information is not known to the public. For the reasons discussed above, the Government has a compelling reason not to publicize that information at this time.

I do not give much weight to the remaining factors relevant to whether the common law right of access requires unsealing of the Affidavit. *See Romero, supra; Newman, supra.* Allowing access to the unredacted Affidavit would not impair court functions. Having carefully reviewed the Affidavit before signing the Warrant, I was — and am — satisfied that the facts sworn by the affiant are reliable. So, releasing the Affidavit to the public would not cause false information to be disseminated. There is no indication that the Intervenor seek these records for any illegitimate purpose.

After weighing all the relevant factors, I find that the Government has met its burden of showing good cause/a compelling interest that overrides any public interest in unsealing the full contents of the Affidavit.

2. Narrowly Tailoring/Least Onerous Alternatives

I must still consider whether there is a less onerous alternative to sealing the entire document. The Government argues that redacting the Affidavit and unsealing it in part is not a viable option because the necessary redactions “would be so extensive as to render the document devoid of content that would meaningfully enhance the public’s understanding of these events beyond the information already now in the public record.” ECF No. 59 at 10; *see also Steinger*, 626 F. Supp. 2d at 1237 (redactions not feasible because they would “be so heavy as to make the released versions incomprehensible and unintelligible.”). I cannot say at this point that partial redactions will be so extensive that they will result in a meaningless disclosure, but I may ultimately reach that conclusion after hearing further from the Government.

The Government argues that even requiring it to redact portions of the Affidavit that could not reveal agent identities or investigative sources and methods imposes an undue burden on its resources and sets a precedent that could be disruptive and burdensome in future cases. I do not need to reach the question of whether, in some other case, these concerns could justify denying public access; they very well might. Particularly given the intense public and historical interest in an unprecedented search of a former President's residence, the Government has not yet shown that these administrative concerns are sufficient to justify sealing.

I therefore reject the Government's argument that the present record justifies keeping the entire Affidavit under seal. In its Response, the Government asked that I give it an opportunity to propose redactions if I declined to seal the entire Affidavit. I granted that request and gave the Government a deadline of noon on Thursday, August 25, 2022. ECF No. 74. Accordingly, it is hereby ORDERED that by the deadline, the Government shall file under seal a submission addressing possible redactions and providing any additional evidence or legal argument that the Government believes relevant to the pending Motions to Unseal.

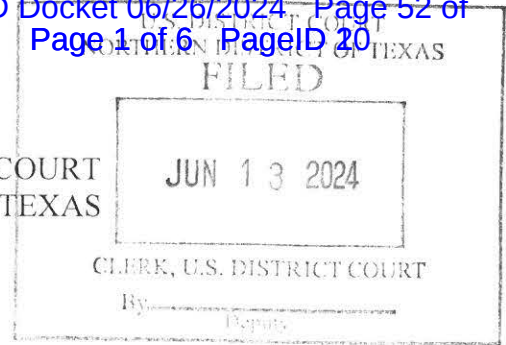
DONE and ORDERED in Chambers this 22nd day of August, 2022, at West Palm Beach in the Southern District of Florida.



BRUCE E. REINHART
UNITED STATES MAGISTRATE JUDGE

EXHIBIT 4E

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION



UNITED STATES OF AMERICA

v.

No. 4:24-MJ-479

TIMOTHY MULLER (01)

CRIMINAL COMPLAINT

Alleged Offense:

I, Special Agent Michael Gantt, being duly sworn, state the following is true and correct to the best of my knowledge and belief:

Interstate communications

On or about June 11, 2024, in the Northern District of Texas, defendant **Timothy Muller**, knowingly and willfully did transmit in interstate commerce a communication to [REDACTED], and the communication contained a threat to kidnap and injure [REDACTED] and his family.

In violation of 18 U.S.C. § 875(c).

Influencing, Impeding, or retaliating against a Federal official

On or about June 11, 2024, in the Northern District of Texas, defendant **Timothy Muller**, did threaten to assault, kidnap, and murder Federal Bureau of Investigation Supervisory Special Agent [REDACTED] (FBI SSA [REDACTED]), with the intent to: (1) impede, intimidate, and interfere with FBI SSA [REDACTED], while he was engaged in his official duties, and (2) retaliate against FBI SSA [REDACTED], on account of the performance of his official duties.

In violation of 18 U.S.C. § 115(a)(1)(B).

Probable Cause:

I, Special Agent Michael Gantt, Federal Bureau of Investigation ("FBI") being duly sworn, do hereby state that I am a Special Agent with the Federal Bureau of Investigation ("FBI" or "Investigating Agency") and have been since January 2020. I am currently assigned to the Dallas Field Division, Fort Worth Resident Agency within the Violent Crimes Unit. I have received formal training from the FBI as well as training through contact with experts from

various law enforcement agencies regarding bank robbery investigations, Hobbs Act robberies, and other violent criminal offenses. I have used a variety of investigative techniques throughout investigations, including, but not limited to, visual surveillance, general questioning of witnesses, the use of: search warrants, confidential informants, undercover agents, pen registers/trap and trace devices, electronic mobile tracking/monitoring devices, and Title III wire interceptions.

1. I am familiar with the circumstances of the offenses described in this affidavit through a combination of personal knowledge of the facts, discussion with other law enforcement officials, other investigative activities conducted, and investigative materials obtained during the investigation.

2. I make this affidavit in support of an application for issuance of a criminal complaint and arrest warrant for **Timothy MULLER** of Fort Worth, Texas, for violations of Title 18 U.S. Code § 875 (Interstate Communications), and Title 18 U.S. Code § 115(a)(1)(B) (Influencing, Impeding, or Retaliating against a Federal official). This affidavit does not include all facts known to me, but rather contains facts sufficient to support the issuance of an arrest warrant.

STATEMENT OF FACTS

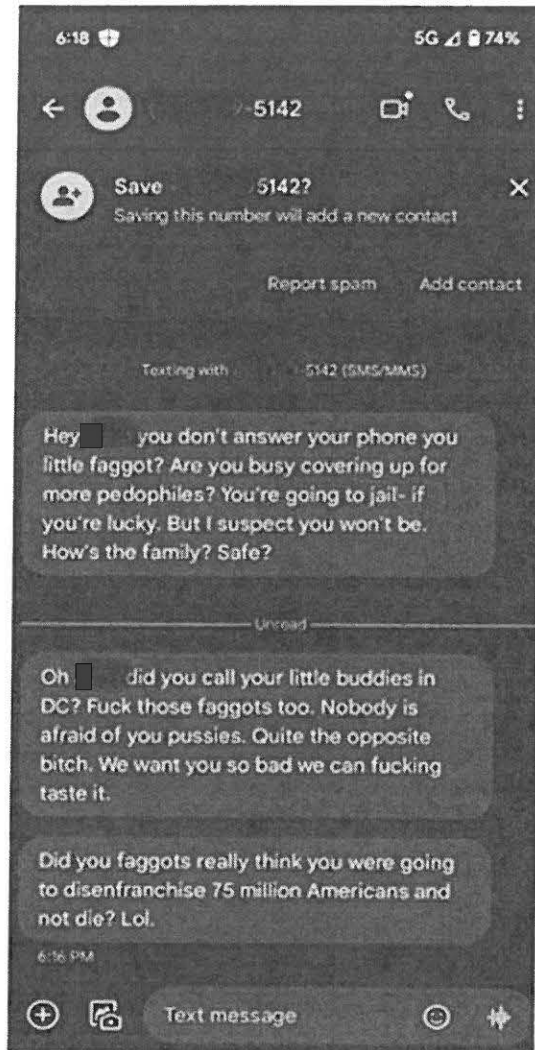
3. The allegations in this affidavit pertain to recent threats against an FBI agent and his immediate family members. There is probable cause to believe these threats were conveyed by telephonic communication services utilized by **Timothy MULLER**, who resides in the Northern District of Texas.

4. On June 11, 2024, at approximately 5:03pm EST, FBI Baltimore Supervisory Special Agent (SSA) [REDACTED] received a phone call from xxx-xxx-5142 (the Subject Telephone Number) on his FBI-issued cellular phone. The caller said, "Hey [REDACTED]" before SSA [REDACTED].

disconnected the call. A second call was immediately received by SSA [REDACTED], from the same phone number. The second call was not answered, and a voicemail was left by the user of the Subject Telephone Number. The voicemail was approximately one minute, five seconds long and in it a masculine voice stated the following:

Hey [REDACTED], you little cock-sucking pussy! You can run, but you can't fucking hide. You covered up child pornography. You covered up [H. B.] raping his own fucking niece, you piece of fucking degenerate shit! So here's how it's gonna go: [T's] gonna win the re-election, and then we're gonna fucking go through the FBI and just start throwing you cock-suckers into jail. OR, you can steal another election, and then the guns will come out, and we'll hunt you cock-suckers down and slaughter you like the traitorous dogs you are in your own fucking homes. In your own fucking beds. The last thing you'll ever hear are the horrified shrieks of your widow and orphans. And then you know what we're going to do? Then we're going to string those fucking cock-suckers up. We're going to slaughter your whole fucking family, you fucking pedophile! It's like THAT now. So choose. Jail? Or getting strung up and lynched like the fucking traitor you are. That's what happens when you cover up for fucking pedophiles, you piece of fucking shit!

5. In addition, a series of three text messages from the user of the Subject Telephone Number, **Timothy MULLER**, were then received by SSA [REDACTED], on his FBI-issued cellular phone, ending at approximately 6:16pm EST. A screenshot of the text messages is below, and included the following language, "... You're going to jail- if you're lucky. But I suspect you won't be. How's the family? Safe?" and "... We want you so bad we can fucking taste it." The third text message sent by the user of the Subject Telephone Number, **Timothy MULLER**, stated, "Did you [redacted] really think you were going to disenfranchise 75 million Americans and not die? Lol."



(Screenshot of text message sent by the user of the Subject Telephone Number to FBI SSA [redacted] on June 11, 2024.)

6. SSA [redacted] was previously named in open source reports describing his involvement in an FBI Baltimore investigation related to H.B. and a laptop obtained by the FBI. On June 11, 2024, multiple media outlets reported on the outcome of H.B.'s federal trial in the District of Delaware related to a 2018 firearm purchase.

7. On June 11, 2024, records were obtained for the Subject Telephone Number. According to the records received, the user of the account was "**Tim Muller**" with an address of xxxx Camp Bowie Boulevard, Fort Worth, Texas 76116. However, xxxx Camp Bowie Boulevard, Fort Worth, Texas 76116, is an AT&T retail store located in a shopping center

approximately .8 miles away from **Timothy MULLER's** residence, which is also in Fort Worth, Texas. Call detail record information shows the Subject Phone Number makes multiple outgoing phone call at 5:03 p.m. EST to SSA [REDACTED]'s FBI-issued cellular phone number to include a one minute 23 second phone call at 5:03:54 p.m. EST. This phone call is consistent with the time of the voicemail left to SSA [REDACTED]'s phone.

8. Furthermore, the cellular records corroborated that the user of the Subject Phone called and sent text messages to SSA's [REDACTED]'s FBI-issued cellular phone on June 11, 2024, at the approximate times listed above. Additionally, the records indicated the device utilized a cell tower providing service to the area of **Timothy MULLER's** residence in Fort Worth, Texas.¹

9. A review of location data that was obtained showed the Subject Phone was in the Fort Worth, Texas area on June 11, 2024, and the device was in the vicinity of **Timothy MULLER's** residence.

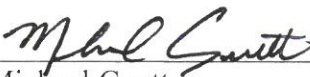
10. As part of the investigation, an Instagram account associated with **Timothy MULLER** was identified. The profile photograph is of a white male consistent with other photographs of **MULLER** located on open sources. On August 4, 2019, this Instagram account posted a video with a voice that is consistent with the voice heard on the threatening voicemail.

[remainder of page left intentionally blank]

¹ Open source databases available to law enforcement indicated **Timothy MULLER** was associated with the subject residential address, and a search of the Tarrant County Appraisal District's website indicated **Timothy MULLER** was the current owner.

CONCLUSION

Based on the aforementioned factual information, your Affiant respectfully submits that there is probable cause to believe that **Timothy MULLER** is in violation of Title 18 U.S. Code § 875(c) (Interstate Communications); and Title 18 U.S. Code § 115(a)(1)(B) (Influencing, Impeding, or Retaliating against a Federal official).



Michael Gantt
Federal Bureau of Investigation
Special Agent

Sworn to me at 2:03 a.m. (p.m.) in Fort Worth, Texas, on this 13TH day
of JUNE, 2024.



HAL R. RAY, JR.
UNITED STATES MAGISTRATE JUDGE